

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Marcie Nolan, AICP, Acting Development Services Director /
(954) 797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Code Amendment ZB (TXT)3-3-08, Concurrent Development
Applications

AFFECTED DISTRICT: All Districts

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES, DIVISION 5, DEVELOPMENT REVIEW REQUIREMENTS, SECTION 12-346, COUNCIL APPROVAL OF DEVELOPMENT REQUESTS, TO INCLUDE PROCESS FOR CONCURRENT DEVELOPMENT APPLICATIONS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: On January 16, 2008, Town Council voted to deny a delegation request for "The Plaza" because the request was not accompanied by a site plan. From the ensuing discussions, it appeared that Council may wish to consider a change to the development review procedures which would require such applications to be brought forward concurrently. The proposed text amendment to the Land Development Code would provide a consistent process in cases where multiple development requests are necessary on a parcel. For example, if this provision were adopted, a land owner who applies for a delegation request to amend a plat note in anticipation of future development would be required to simultaneously submit the related site plan application, along with any other related requests, such as Rezoning and Variances.

PREVIOUS ACTIONS: n/a

CONCURRENCES: At the June 11, 2008 Local Planning Agency meeting, Vice-Chair Stevens made a motion, seconded by Ms. Turin, **to deny**. In a roll call vote,

the vote was as follows: Chair McLaughlin – yes; Vice-Chair Steven – yes; Mr. Busey – yes; Mr. Capozzoli – yes; Ms. Turin – yes. (**Motion carried 5-0**)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff recommends approval of this ordinance.

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES, DIVISION 5, DEVELOPMENT REVIEW REQUIREMENTS, SECTION 12-346, COUNCIL APPROVAL OF DEVELOPMENT REQUESTS, TO INCLUDE PROCESS FOR CONCURRENT DEVELOPMENT APPLICATIONS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Davie desires to make changes to the Land Development Code; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on June 11, 2008; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Division 5, of Article XI of the Land Development Code of the Town of Davie, Florida (the "Town"), is hereby amended to read as follows:

DIVISION 5. DEVELOPMENT REVIEW REQUIREMENTS

Sec. 12-346. Council approval of development requests.

(A) *Exempt Developments:* Notwithstanding other provisions of the Code, the following activities shall not require approval by the council:

- (1) Signs;
- (2) Demolition of a structure;
- (3) Diminution in size of a structure.

(B) *Review and Action:* At a regularly scheduled public meeting of the town council, the council shall review the development application for conformity to the Code of Davie and shall act upon the application.

(C) *Approval, Denial and Approval with Conditions:* The council shall make one of the following determinations.

- (1) That the development application is in conformance with the Code and applicable standards, in which case the council shall grant approval of the application;
- (2) That the development application is not in compliance with the Code and applicable standards, in which case the council shall deny the application;

(3) That the development application is not in compliance with the Code and applicable standards, but conditions have been determined by the council to be reasonably necessary to compliance with the Code and applicable standards, in which case the council shall grant approval of the application with the conditions.

(D) *Deferral of Final Determination:* A final determination upon a development application for a development order by the council under this section may be deferred if:

- (1) The council finds that available information is insufficient on which to base either approval or denial of a particular development application and the council directs or has directed that a specific study commence to provide the council with information sufficient to form the basis on which to approve or deny the application, and the study will be completed within six (6) months from the date of the council's determination under this subsection. Provided, however, as a prerequisite to directing that a specific study commence to provide the council with information sufficient to form the basis on which to approve or deny the development application, the council shall identify the inadequacy of the information available with respect to the application; or
- (2) The council determines that adequate public services required by the Code or Broward County are not available, but are planned to become available in the future, in which case the council shall defer action until adequate services are available; approve the application subject to the condition that either no building permit or no certificate of occupancy shall be issued until adequate services are available; or approve an application that the developer enter into an impact agreement to construct development of a type that can be adequately served by existing or planned facilities or to provide facilities sufficient to adequately serve the proposed development.

(E) Concurrent development applications: Unless otherwise approved by Town Council, where any application for development approval is contingent upon another application for the same parcel, all such applications must be presented at Town Council meeting concurrently. Where an applicant intends to request that Town Council approve applications to be heard separately, such request must be approved prior to commencement of the Development Review Committee review pursuant to a process established by the Planning and Zoning Division.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2008

PASSED ON SECOND READING THIS ____ DAY OF _____, 2008

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008